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Security Council

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Letter dated 12 December 2001 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

I would like to request that the letter of H.E. Sheikh Sabah Al Ahmad Al Jaber Al Sabah, Acting Prime Minister and Minister of Foreign Affairs of the State of Kuwait, dated 11 December 2001, be circulated as a document of the Security Council.

In addition, please find enclosed herewith the letter.

(*Signed*) Mohammad A. **Abulhasan**
Ambassador
Permanent Representative

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Annex to the letter dated 12 December 2001 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

[Original: Arabic]

Two years have now elapsed since, pursuant to paragraph 14 of Security Council resolution 1284 (1999), you began to submit periodic reports to the members of the Council on developments in connection with the issue of the Kuwaitis and third-country nationals being held in Iraq, reports that reflect the outstanding efforts being made by the high-level Coordinator, Ambassador Yuli M. Vorontsov, in this regard.

On the basis of these reports, the Council has issued five press statements urging Iraq to cooperate with all the mechanisms available to it to resolve this issue, especially the International Committee of the Red Cross (ICRC), the Tripartite Commission and the high-level Coordinator. The Government of Iraq has yet to respond to the appeals made in your reports and in the statements of the Council urging it to cooperate with a view to resolving the issue. Moreover, the Iraqi Government is seeking to separate the issue from the relevant Security Council resolutions in whatever way possible and to dictate its own conception of it to the international community.

Kuwait believes that a solution to the issue of the Kuwaitis and third-country nationals detained in Iraq cannot further be delayed. Kuwait also believes that the Iraqi Government does not need any new mechanism or proposal in order to close this humanitarian issue and that, while Iraq advances proposals for the establishment of committees and so forth outside the framework of the United Nations to resolve the issue of the Kuwaitis and third-country nationals detained in Iraq, it is fitting that we should remind one and all that the appropriate mechanisms to resolve the issue already exist and that Iraq can resort to them at any time for this purpose. They are:

1. The Tripartite Commission and its Technical Subcommittee;
2. ICRC;
3. The Secretary-General of the United Nations and the dialogue that commenced in February 2001;
4. The high-level Coordinator.

Accordingly, I suggest that, in coordination with ICRC and Ambassador Vorontsov, you should endeavour to devise a means to ensure Iraq's serious and active cooperation with a view to resolving the issue of the prisoners and missing persons in a definitive manner and that the resolution of the issue should remain within the framework of the United Nations and the relevant Security Council resolutions.

Although Kuwait is not responsible for the issue of the missing Iraqis alleged by the Iraqi Government, for our part and as another example of our sincere cooperation in ending this matter, I repeat what we stated to the high-level Coordinator, as reflected in paragraph 21 of your report contained in document S/2000/347, namely that we are ready to permit ICRC to conduct a free and thorough search in Kuwaiti territory for the missing Iraqis whose presence is alleged

by the Iraqi Government, on the understanding that we obtain in return a clear undertaking from the Iraqi Government that it will provide Kuwait with full and precise information on the fate of the Kuwaitis and third-country nationals detained in Iraq, whether living or dead, so that we may once and for all bring down the curtain on this issue and end the suffering presently being endured by the Kuwaiti people.

In closing, we in Kuwait reaffirm our full commitment to supporting all the efforts that you are making as well as our readiness to cooperate as required with the efforts of the high-level Coordinator. I further hope that the members of the Security Council will take account of Kuwait's concerns, as described in this letter, when they discuss your forthcoming report on 17 December 2001.

(*Signed*) Sabah Al-Ahmad Al-Jaber **Al-Sabah**
Deputy Prime Minister
Minister for Foreign Affairs